

PROCEEDINGS OF THE BROWN COUNTY
EXECUTIVE COMMITTEE

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the Brown County Executive Committee was held on Monday, July 8, 2019 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

Present: Chair Lund, Supervisor Ballard (for Supervisor Van Dyck), Supervisor Hoyer, Supervisor Sieber, Supervisor Moynihan
Excused: Supervisor Buckley, Supervisor Van Dyck
Also Present: Supervisor Tran, Supervisor Landwehr, Supervisor Borchardt, Internal Auditor Dan Process, Assistant Park Director Matt Kriese, Corporation Counsel Dave Hemery, County Executive Troy Streckenbach, Director of Administration Chad Weininger

I. Call meeting to order.

The meeting was called to order by Chair Lund at 5:30 pm.

II. Approve/modify Agenda.

Motion made by Supervisor Erickson, seconded by Supervisor Sieber to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

III. Approve/modify Minutes of June 10, 2019.

Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Comments from the Public. None.

1. Review Minutes of:

a) Benefits Advisory Committee (May 16, 2019).

Dan Process, Secretary of the Benefits Advisory Committee, provided the Committee with a handout prior to the meeting, a copy of which is attached, which emphasizes the recommended changes made by the BAC committee members and reflected in the minutes.

Motion made by Supervisor Sieber, seconded by Supervisor Moynihan to receive and place on file. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Legal Bills

2. Review and Possible Action on Legal Bills to be paid.

Motion made by Supervisor Erickson, seconded by Supervisor Hoyer to pay the legal bills. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Communications

3. Communication from Supervisor Tran re: For Corporation Counsel to draft a lobbyist registration ordinance that would require any individual or for-profit business that hires someone to influence County Board actions to register with the County Clerk, that registration be made part of the public debate so residents know who is being lobbied, a statement of who is paying the lobbyist to lobby, and how much the lobbyist is being paid, who they lobbied and provide penalty for noncompliance. *Referred back.*

An ordinance related to this communication will be taken up at Item 10.

**Motion made by Supervisor Moynihan, seconded by Supervisor Sieber to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY**

4. **Communication from Supervisor Borchardt re: I would like to clearly codify the resolution that was passed by the Board in 2018, which required that all standing committee meetings meet between Monday-Thursday and start between 5-7 p.m. *Referred back.***

An ordinance related to this communication will be taken up at Item 11.

**Motion made by Supervisor Sieber, seconded by Supervisor Moynihan to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY**

5. **Communication from Supervisor Erickson re: Look into Sub-committees without bylaws being allowed to vote without a quorum. *Referred back.***

Corporation Counsel David Hemery has reviewed this issue and found that currently our code would prohibit a vote without a quorum, but the code can be changed if the Board desires. Supervisor Erickson said he looked at this about a year ago and the information he reviewed said if a subcommittee does not have bylaws, they can vote. Hemery said Sec. 2.05(4) of the code states as follows, "A majority of any committee shall constitute a quorum for transaction of business." Section 2.14(22) states, "The rules of parliamentary procedure comprised in Roberts Rules of Order, revised, shall be the rules of order in all cases in which they are not inconsistent with these rules." It is Hemery's opinion that both of these provisions clearly require a majority, but if there is a desire for a specific committee that less than a majority could be a quorum, that is something that could be done.

Erickson brought this forward because most of the subcommittees are made up of the general public and the standing committees sometimes get minutes from these subcommittee meetings that are over a year old and there are sometimes things in these minutes that the Committee and Board already voted on. The information he found was that if there are not bylaws, a subcommittee could vote without a quorum. He would like to see something like this put into effect. Hemery responded that he has not seen this done in the 18 years he has been in this business and there are a number of reasons it is not a good idea, but he does understand where Erickson is coming from. One reason this is not a good idea is because if there is a subcommittee with a lot of members, and there is a problem with attendance, something like this may result in even more members not coming. Hemery continued that if there are issues with the minutes not being timely, that is something that can be addressed in the code. Erickson said the Committees get the minutes, but they are not approved by the subcommittee so the Committee cannot take action on them. He has suggested that chairs of these subcommittees contact the members to see if changing the meeting time would help or if there are people who are not interested on being on the subcommittee any longer, that they are replaced. Erickson also suggested looking into something that if members do not attend a certain percentage or number of meetings within a year, that they could be removed from the subcommittee. Hemery said that is a fairly common provision and he sees this in other counties.

Sieber referenced the resolution that is required for subcommittees and suggested that language be added to that that there is a requirement to attend at least 50% of the meetings. Hemery responded that those resolutions are only required when a new committee or subcommittee is formed so it would not affect existing committees and subcommittees, although it could possibly be addressed in the renewal resolutions. Sieber also suggested we review what percentage of meetings other counties require their members to attend. Hemery said in other counties this is typically a provision contained in the bylaws; he has not seen it done county wide anywhere. Hemery said another thing that works is reducing the size of the committees where possible.

Motion made by Supervisor Erickson, seconded by Supervisor Sieber to have Corporation Counsel come back to the next meeting with proposed language that if a subcommittee member does not attend at least 50% of meetings in a year they can be removed from the subcommittee. Vote taken. MOTION CARRIED UNANIMOUSLY

Internal Auditor

6. Board of Supervisors Budget Status Financial Report (Unaudited) – May 2019.

Internal Auditor Dan Process informed the budget is on target and there are no concerns at this time.

Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to receive and place on file. Vote taken.

MOTION CARRIED UNANIMOUSLY

7. Status Update: June 1 – June 30, 2019.

Process talked about the annual petty cash report that every department is required to submit to the Auditor and administration. The information is then compared to general ledger to be sure the figures align. There were some differences in several departments, the most noticeable being the NEW Zoo which was off by about \$4,000 in the cash in hand. The issue is that the Zoo has an ATM and they increase and decrease the balance of that and those reductions and additions were not going into the correct account and that is where the difference came in. There does not appear to be any cash missing. Sieber asked what other departments had discrepancies and Process noted the ADRC was off about \$250 and there are several departments lumped as one and the general ledger balance for those was off about \$230. Process continued that his recommendation was that when departments are making these adjustments, whether by him or because of seasonal, they need to communicate with administration so they can adjust the general ledger accordingly. Process said this policy has been in place for several years and there were more discrepancies in the past, but it is getting much, much better.

Motion made by Supervisor Moynihan, seconded by Supervisor Ballard to receive and place on file. Vote taken.

MOTION CARRIED UNANIMOUSLY

Corporation Counsel

8. Oral Report.

Hemery informed oral arguments on the tax lawsuit will be heard on August 29. With regard to the CAD system, Hemery informed the County is in negotiations with Securis and Motorola is moving along nicely.

Motion made by Supervisor Sieber, seconded by Supervisor Erickson to receive and place on file. Vote taken.

MOTION CARRIED UNANIMOUSLY

Resolutions, Ordinances

9. Resolution Acquiring Tax Delinquent Land Adjacent to the Fox River Trail for Trail Parking.

Motion made by Supervisor Sieber, seconded by Supervisor Hoyer to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

10. An Ordinance to Create Chapter 44 of the Brown County Code of Ordinances Entitled "Lobbyist Registration".

Hemery said this proposed ordinance is based strongly on Green Bay's ordinance, with a few modifications. He added the part regarding if a lobbyist appears at a Committee or Board meeting to speak under public comments they would have to identify that they are a lobbyist and who they work for. Hemery pointed out the fiscal is not official as those come from the Director of Administration who was not in the office at the time this was drafted. An accurate fiscal will be provided when this goes to the Board. Hemery said the financial should not be huge, but there will be some time involved in the Clerk's office when lobbyists come in to register.

Supervisor Landwehr said in his 7 years on the Board he recalls only talking to a lobbyist a few times. He questioned if this is a problem we need to address and feels the way the ordinance is written is quite broad and there are a lot of people the County and Board talk with that would technically fall under this. He mentioned ex-employees who retire and then go to work for private companies that the County deals with as well as other examples. Landwehr is concerned about where this could go. It's not so much about the money or the fine, it is more about the headline of lobbyist rules and he asked if that has been considered.

Sieber shared similar concerns as Landwehr and referenced Sec. 44.02(2) which sets forth the following definition of a lobbyist: "lobbyist means a person other than a full-time employee of the client who is paid consideration by another to engage in lobbying". Landwehr has read that too, but reiterated this ordinance could pertain to a lot of people and asked where the line is and if it depends how aggressive someone wants to be on something because it is a political hot button issue. He feels the Committee needs to slow down and think this through. Landwehr does not want to write a lot of rules and spend a lot of staff time if there really is not a problem.

Supervisor Erickson said the only person he can remember who approached the Board as a lobbyist is John Gard, and everyone knew he was a lobbyist.

Supervisor Ballard asked how many people have registered as lobbyists with the City of Green Bay. Moynihan responded that there are a handful. Ballard feels as someone who was raised by a lobbyist, it is very defined as to what a lobbyist is and is not and he feels this ordinance would really help with campaign donations and other things. Landwehr said maybe this should be tied into the State program. Ballard's understanding is that the State is letting the counties decide on this issue. Hemery said people lobbying the State have to register with the State but counties make their own decisions. Ballard sees this is a transparency issue.

Supervisor Tran agreed with Ballard that this is a transparency issue and she does not feel we need to wait until there is a problem to take action. If there are ways to prevent things from happening, those things should be done and this is about transparency and is very simple. Unless someone has something to hide, they would not have anything to worry about. She spoke with a lobbyist who was surprised that the County did not have any sort of lobbyist registration process and that is why she brought this forward.

Lund said sometimes the Board gets lobbied on stuff that we have no power over and asked if that person would also have to register with the County. Hemery said under this ordinance they would and Lund said this could become very confusing. Ballard would like a clear line of someone contacting him as a concerned citizen versus someone contacting him as a lobbyist. Tran said not everyone knows who the lobbyists are and that is why we need this policy. Supervisor Hoyer agreed and said this would be beneficial for the public because not everyone is savvy and knows the lobbyists.

Supervisor Borchardt asked if this would pertain to non-profit groups like the League of Women Voters or JOSHUA who come to meetings with concerns of things going on within the County. Hemery said this would apply if they are being paid to lobby.

Moynihan asked how the word gets out that lobbyists would need to register. Hemery said this is like many laws that are passed; unless someone actually looks at the ordinances they may not know. Moynihan does not have any objection to the ordinance and agreed with Ballard and Tran that it is about transparency. Ballard said lobbyists know they are lobbyists and they know that they need to register.

Sieber said the definition of a lobbyist is very clear; if someone is paid to come and influence votes, they are a lobbyist. If a lobbyist is registered with the City or State, they would need to register in Brown County as well. You are a lobbyist if you are paid by an outside group to come in and lobby. He does not see non-profit groups as lobbyists. Lund said the ordinance language is a little misleading, because if your job title is lobbyist for an organization and you are registered with the State, then you are a lobbyist and he pointed out that a lot of organizations hire their own people to lobby instead of going to outside companies. Hemery said there are a lot of positions, like media relations consultants that perform other functions, along with lobbying so there are some gray areas with this. Director of Administration Chad Weininger said those who are lobbyists know they are lobbyists and would know to ask about registration requirements.

Motion made by Supervisor Moynihan, seconded by Supervisor Sieber to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

11. An Ordinance to Amend Section 2.02 of Chapter 2 of the Brown County Code of Ordinances (Required Days and Start Times of Standing Committees).

Borchardt said it is pretty clear that there are some standing committees that are not following this rule and she would like to see this codified so everyone is playing by the same set of rules. Hemery pointed out that the ordinance applies only to the six standing Committees and only regular meetings, not the budget meeting.

Motion made by Supervisor Sieber, seconded by Supervisor Hoyer to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion amended by Supervisor Moynihan seconded by Supervisor Erickson to amend the ordinance with regard to the start time of the Board of Supervisors meeting by striking 7:00 pm and replacing it with 6:00 pm. Vote taken. MOTION FAILS 3 to 3

Erickson feels that the 5:00 pm designation would handicap us because there are times PD&T meets earlier for things like tours. Lund pointed out that if the tour is scheduled for 5:00, the meeting does not begin until after the tour which is after 5:00 pm. Erickson said on the night of the Towns meeting, they start PD&T earlier to accommodate that meeting. Hemery said that could be considered a special meeting and not fall under this.

Erickson asked if this is something that should be put into effect in the next term so we are not changing things in the middle of the term. Borchardt said her issue is that what is in place now is not being followed and there are no consequences since this was originally in resolution form and not ordinance form. Moynihan is in favor of this, but pointed out that there are Committee members who already have their schedules set based around the current meeting times. Borchardt understands, but said she has tried to be nice about this and work around other Supervisors schedules as well as her own schedule, but one Supervisor almost always works in the evening. She takes this job very seriously as do the people who vote for her and therefore she made a point to be at this meeting. She feels it is important to do this the right way and hold people accountable and that is why she is asking for this. She is tired of excuses by Supervisors for not doing the job Supervisors are elected to do.

Department of Administration & Human Resources

12. Director of Administration and Human Resources Oral Report.

Director of Administration Chad Weininger did not have anything new to report.

Motion made by Supervisor Moynihan, seconded by Supervisor Ballard to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

County Executive – No Report.

Other

13. Such other matters as authorized by law. None.

14. Adjourn.

Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to adjourn at 6:20 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Administrative Specialist

Review Minutes of:

Benefits Advisory Committee (May 16, 2019) – Please note the following recommended changes to Section 4.115 of the Brown County Code of Ordinances by the Benefits Advisory Committee:

- (2)d: Change "County's Third Party Administrator" to "County's contracted consultant for benefits"
 - Change needed to correct ordinance
- (2)f: Remove "One Retiree receiving medical benefits through the County"
 - Removal needed to reflect that no retirees receive medical benefits
- (3): Change "April 1" to "February 1"
 - Change intended to allow for any new members to get a better understanding of the Benefits Advisory Committee (BAC)
- (3)a: Change "Human Services Director" to "Human Resources Manager"
 - Change needed to correct ordinance
- (3)b: Change "April 1" to "February 1"
 - Change intended to allow for any new members to get a better understanding of the Benefits Advisory Committee (BAC)
- (3)c: Change "Human Resource Director" to "Human Resources Manager"
 - Change needed to correct ordinance

This is an annual requirement whereby:

4.13 DEPARTMENT HEADS & ELECTED OFFICERS The Department Heads and Elected Officers (Clerk of Courts, County Clerk, Register of Deeds, Sheriff, and Treasurer) shall enforce all policies and procedures created under this chapter in their respective department or office. Subject to the prior approval of the Human Resources Manager, Department Heads and Elected Officers may adopt such additional personnel rules or regulations as may be advisable to promote efficiency within their respective departments or offices. Department Heads and Elected Officers shall keep employees informed of current personnel policies and procedures. Department Heads, Elected Officers and designated supervisors shall administer discipline up to suspensions without pay and terminations. Suspensions without pay and terminations shall be administered with the advice and approval of the Human Resources Manager. The County Executive shall approve all disciplinary terminations of employment. Department Heads and Elected Officers can delegate authority to administer discipline or delegate such authority to supervisory personnel when appropriate. Discipline shall be administered in accordance with this Chapter and the department's approved procedures. Department Heads and Elected Officers shall promptly inform the Human Resources Department of disciplinary actions.

4.14 SUPERVISORY PERSONNEL. To the extent Department Heads may delegate authority to supervisory personnel, such supervisors may participate in the interview and selection of applicants for positions under their supervision subject to the approval of the Department Head and the Human Resources Manager. Supervisors shall implement all policies and procedures created under this chapter. Supervisors may administer discipline and conduct first step grievance procedures where delegated by the Department Head.

EMPLOYMENT TYPE

4.15 POLICY. Each employee of Brown County is assigned to a certain employment type to satisfy required legal obligations and County requirements. Department Heads requiring regular and limited term employees shall request the need and estimated time of employment to the Human Resources Department by following the approval process for hiring.

Section 1- Section 4.15 of Chapter 4 of the Brown County Code is created to read as follows:

4.115 BENEFITS ADVISORY COMMITTEE. The Brown County Benefits Advisory Committee is hereby created to provide a forum for employees to present ideas and assist in the formulation of employee benefits, and to make recommendations to the Executive Committee.

(1) The Benefits Advisory Committee shall receive no compensation, and each employee shall receive their supervisor's approval prior to serving on the board.

(2) The Benefits Advisory Committee shall consist of the following members:

- a. One Constitutional Officer
- b. One Department Head, not Human Resources
- c. One County Board Supervisor

- d. One representative from the County's Third Party Administrator
 - e. One Human Resources Benefits Manager
 - f. One Retiree receiving medical benefits through the County
 - g. Six Employees, each one chosen to represent one of the County's six Standing Committees. The employee chosen shall be from a department which is under their Standing Committee, and shall be elected by their peers.
- (3) The members shall serve for a two year term, commencing April 1st and may be re-appointed or re-elected for additional consecutive terms.
- a. Members, listed under 2.a. through f. above, shall be volunteers appointed by the Human Services Director, or Benefits Manager, or a designee of the Human Resource Department.
 - b. Members, under 2.g. above, shall be chosen by elections. Elections shall be handled by the Human Resources Department. All employees interested in serving on the Committee shall submit a letter of interest to the Human Resources Benefits Manager by a date certain. The Human Resource Department shall create six ballots, one for each County Standing Committee, listing the interested employees from the Departments as listed under the respective Oversight Committee pursuant to the County Code Chapter 2. The ballots shall be distributed to the appropriate departments according to their Oversight Committee listing the employees interested in serving on the committee. The employees shall only vote once, and only for one employees listed under their respective Oversight Committee to represent them on the Benefits Advisory Committee. Said ballots shall be returned to Human Resources by a date certain and tabulated with the results announced to the employees and members prior to the April 1 of the year of election.
 - c. Vacancies occurring shall be filled by appointment of the Human Resource Director, or the Benefits Manager or their designee.
- (4) Meetings shall be held as needed but no less than once quarterly.

Section 2-

This ordinance shall become effective upon passage and publication.

4.16 REGULAR EMPLOYEES. Regular employees are assigned to full-time and/or part-time positions that are expected to remain employed by Brown County on a regular, ongoing basis as long as work is required or necessary, the employee(s) perform satisfactorily, and the department supports the continuing existence of the position.

- (1) Regular full-time employees work equivalent to the department's normal, full-time work period on a regular basis.